

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

HEINÄNEN OY
Annankatu 31-33 C
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FINLANDE

WRITTEN OPINION

(PCT Rule 66)

*my
PW*

Fri. 15.3.2004

Date of mailing
(day/month/year)

15.12.2003

Applicant's or agent's file reference
103961 PJ/HA

REPLY DUE

within 3 month(s)
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International application No.
PCT/FI03/00159

International filing date (day/month/year)
04.03.2003

Priority date (day/month/year)
05.03.2002

International Patent Classification (IPC) or both national classification and IPC
E04H12/22

Applicant
TARTUNTAMARKKINOINTI OY et al.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:

I	<input checked="" type="checkbox"/>	Basis of the opinion
II	<input type="checkbox"/>	Priority
III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/>	Lack of unity of invention
V	<input checked="" type="checkbox"/>	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/>	Certain documents cited
VII	<input type="checkbox"/>	Certain defects in the international application
VIII	<input type="checkbox"/>	Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 05.07.2004

Name and mailing address of the international preliminary examining authority:



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WRITTEN OPINIONInternational application No. **PCT/FI03/00159****I. Basis of the opinion**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-6 as published

Claims, Numbers

1-7 as published

Drawings, Sheets

1/1 as published

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

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V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-3
Inventive step (IS)	Claims	4-7
Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet**

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Re Item V**Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Reference is made to the following documents:

D1: EP-A2-0952265

D2: FI-B-95164

2. Document D1 is regarded as being the closest prior art to the subject-matter of independent claim 1, and discloses (see column 3, lines 6-54 and in particular fig. 2):

Spot footing 1 ('Stützenschuh') comprising a base plate 10 provided with a mounting hole 50, and a substantially cylindrical, rigid protective casing 20 consisting on a top plate 25 and a side wall part 21,22 having an opening, an anchor bar 31 being secured to said top plate, wherein the spot footing comprises two or more anchor bars 31,32 (two are disclosed) secured to the top plate 25 specifically so disposed in the top plate that the anchor bars are located substantially around the hole 50 of the base plate (see fig. 1 and 2).

The subject-matter of independent claim 1 is therefore not novel (Article 33(2) PCT).

3. This also considers the following:

- The casing in D1 is considered as being "substantially" cylindrical, as much as this term can be understood.
- The spot footing disclosed in D1 is considered as being suited for securing a precast concrete columns to a foundation (see for example column 1, lines 3-8).

4. Moreover, the subject-matter of claim 1 is also not new against D2 (fig. 1,2), disclosing a spot footing ('pilarikenkä') comprising a base plate 2, mounting hole 11, substantially cylindrical casing 1 with top plate 3 and side wall parts 12,13 having an opening, two anchor bars 4 secured to the top plate located substantially around the hole of the base plate (fig. 2).

5. Dependent claims 2 to 7 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in

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respect of novelty or inventive step, the reasons being as follows:

- Regarding claim 2, in D1 the anchor bar 60 is secured to the back side of the side wall on an axis of symmetry.
- Regarding claim 3, in D1, considering the shape of the wall parts, the centre of gravity is going to be well located inside the hole 50 of the base plate. This can also be mentioned for D2 (fig. 2).
- Regarding claims 4 and 5, to provide an elliptical hole instead of circular as in D1 or to provide a further hole for prestressing cables to pass through it is to be considered a minor constructional change, obvious for the skilled person.
- Regarding claims 6 and 7, to provide a part of the casing with a thinner part or parts of different thicknesses does not seem to involve an inventive step.